



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 10 2014

By Certified Mail/Return Receipt Requested

REPLY TO THE ATTENTION OF:
C-14J

Mr. Stephan J. Hartness
746 South Blackjack Road
Galena, Illinois 61036

Re: November 3, 2014 email to United States Environmental Protection Agency (USEPA) and Issue of Adverse Effects of Water Treatment System Installed By Potentially Responsible Parties (PRPs) Under USEPA March 3, 2010 Administrative Settlement Agreement and Order on Consent (#V-W-10-C-945) for Bautsch-Gray Mine Superfund Site (Site)

Dear Mr. Hartness:

USEPA is in receipt of your email and attachments of November 3, 2014. I have spoken with our Site Enforcement Team and we continue to seek the best way to move forward in responding to your issues raised, under the authority of the Superfund statute, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

As I previously noted to you in November 2012, the authority of CERCLA allows USEPA to order actions to protect human health and the environment, including further actions at your residence, upon a determination that a threat recognized by the CERCLA statute (and related regulations at 40 CFR Part 300 et al.) still exists. Currently, based upon the samplings taken at your residence between 2010 and 2013 as a result of USEPA's March 2010 Administrative Order (Order) issued to the Site Responsible Parties, there is no proof of a continued CERCLA hazardous substance threat from lead, arsenic, or copper. Therefore, at this time, USEPA is not planning a further enforcement action.

I realize there are other concerns that you have regarding your description of some adverse side-effects to your piping/plumbing system. I can only reiterate what I indicated in my prior letter to you. The Order was complied with by the Responsible Parties for the 2-year time period that is determined under Section 104 of the CERCLA statute, 42 U.S.C. Section 9604. You are not under any CERCLA Order related to this matter. Should you decide to no longer operate the water treatment system installed at your residence for reasons involving your personal interests in your property, then such an action would continue to be your own decision. USEPA is authorized to enforce CERCLA where an imminent and substantial threat to human health and the environment is proven to exist.

Please feel free to contact me with any comments or questions by e-mail ('turner.thomas@epa.gov') or at 312/886-6613. If for some reason you cannot reach me contact Rosita Clarke, Community Involvement Coordinator (clarke.rosita@epa.gov) her phone number is 312/886-7251. You can also contact Pamela Molitor, the Site's new Remedial Project

Manager (molitor.pamela@epa.gov) phone number is 312/886-3543. Both are available to address any questions or concerns you have.

Please consider all that I have said in this letter and reply as you determine best serves your needs.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Turner', followed by a horizontal line and a small flourish.

Thomas Turner
Assoc. Regional Counsel
USEPA, ORC, Region 5

cc: L. Zintak, OSC (SE-5J)
P. Molitor, RPM (SR-6J)
R. Clarke, CIC (R-7J)